

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.1546 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused in the event of his arrest in Crime No.40 of 2022 on the file of Station House Officer, Banjara Hills Police Station, Hyderabad, registered for the offences punishable under Sections 376(2), 417, 420 and 406 of Indian Penal Code and Section 3(2)(v) of SC/ST POA Act, 2015.

2. Heard learned counsel for petitioner/Accused, learned Assistant Public Prosecutor for respondent-State and learned counsel for 2nd respondent/Complainant. Perused the record.

3. The case of the prosecution is that on 11.01.2022 the 2nd respondent/*de facto* Complainant filed a complaint alleging that she is working as a Staff Nurse at ESI Hospital, Nacharam and she came into contact with this petitioner during June-2021. In the process of doing business she had gone to Taj Banjara Hotel on 20.06.2022 and there was sexual abuse on the said date. Again on 11.07.2021 the petitioner called the *de facto* complainant and again met her in a

hotel room. For business purpose the *de facto* complainant also gave an amount of Rs.3,00,000/- to the petitioner. Meanwhile the *de facto* complainant came to know through whatsapp, which whatsapp status of the petitioner was with another lady and on questioning, the petitioner is alleged to have asked her as to how the *de facto* complainant is concerned and when asked to marry, the petitioner, further questioned as to what was her status and how could she expect that he would marry her as she belong to SC caste. For the said reason, the present complaint is lodged on the ground that the *de facto* complainant was cheated in both ways, as such, the *de facto* complainant wants to take action against this petitioner.

4. Learned counsel for the petitioner would submit that there are business transactions with the *de facto* complainant and as such the amounts were given and in the said process of their business due to financial disputes, the present complaint was lodged.

5. On further questioning by this Court, both the counsel submit that there were mediations between the parties and there was a chance of settlement, for which reason several dates were taken and when there was no settlement the present petition is argued by both the counsel.

6. As seen from the facts and circumstances of the present case, it is apparent that there were business disputes amongst the petitioner and the defacto complainant and they were known to each other for nearly six months.

7. The present complaint came to be filed for the reason of the petitioner not agreeing to marry the *de facto* complainant and also with respect to Rs.3,00,000/- which was alleged to have been given by the *de facto* complainant to the petitioner. In the said facts and circumstances of the case, custodial interrogation would not be necessary, as such, this court is inclined to grant the relief of anticipatory bail to the petitioner/Accused.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused is directed to surrender before the Station House Officer, Banjarahills Police Station, Hyderabad within one week from today, and on such surrender, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) In the interest of investigation the petitioner shall appear before the concerned Station House Officer on everyday for 30 days i.e. from 22.06.2022 to 20.07.2022 at 10.00 AM and thereafter, as and when required.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

9. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

Date: 20.06.2022
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K.SURENDER, J